

REMARKS

In the first Office Action, claims 1-48 were presented for examination. Of these, objections were made to claims 1-4, 9-19, 21-29, 37-38, and 48 in regard to minor informalities. Additionally, wording objections were made to claims 5-8, 20, and 40-47 under 35 USC 112 and claims 30-31, 34, and 39 were rejected under 35 USC 102. In the Specification at pages 9, 10, and 17, wording objections were made and the drawings were objected to as not showing the signal (e.g., click) of claim 44. Claims 1-4, 9-19, 21-29, and 48 as well as 5-8, 20, and 40-47 were indicated to be allowable if the minor informalities were corrected or if rewritten in independent form if depending from an objected to base claim. Claims 32-33 and 35-38 were indicated to be allowable if rewritten in independent form.

With this amendment, the informalities and other objections to the claims have been addressed. Proposed amendments to Figures 21 and 23 are submitted to add lines indicating a signal (e.g., click C) when the detent 97 moves to the position shown. The art rejection of claims 30-31, 34, and 39 is herein traversed

I. INFORMALITIES

Objections To The Specification Including The Abstract

Objections were made to several pages of the specification and Abstract and these have been addressed in a manner believed consistent with or suggested by the Examiner.

It is noted in regard to the Examiner's suggestion that "clamp" assembly/assemblies 53 be changed to --clamping-- assembly or assemblies 53 that Applicants found "clamp" assembly/assemblies used more often in the application so they changed the two appearances of "clamping" to --clamp-- on page 12 for consistency.

Claims 1-29, 32-33, 35-38, And 40-48

Of these claims, minor informalities were pointed out in claims 1-4, 9-19, 21-29, 37-38, 40-48 as well as in claims 5-8, 20, and 40-47. Applicants believe these informalities have been addressed in the amended claims in a manner consistent with or suggested by the Examiner.

Claim 44 And The Drawings

Claim 44 was objected to as being unclear as the Examiner felt no signal was previously disclosed in the specification or drawings. It is respectfully pointed out that such a signal was specifically disclosed in lines 11-25 of page 16 of the original specification which recite:

During such sliding, the protruding member 97 of the sleeve member 91 will contact and move or depress the detent 99 (Figure 22) to a retracted position allowing the protruding member 97 to pass by the detent 99. In this manner, the depressed detent 99 will then rebound or snap back and be received in the other recessed portion 95 (Figure 23). Such rebounding can be tactually felt by the user. It can also be heard by the user as the rebounding detent 99 makes an audible click. In moving the sleeve member 91 to lock the segments 83,85 in the aligned relationship of Figures 20 and 21, the tactile feel and audible click each act as a signal to let the user know the locked position has been reached. (emphasis added)

It is respectfully submitted that the limitations of claim 44 are clearly disclosed in the original specification.

For additional clarity, Applicants propose adding signal lines such as would be made by an audible click C to Figures 21 and 23 per the enclosed, red-lined copy. Amendments were also made above to the appropriate paragraph on page 16 to reference the signal (e.g., audible click C) consistent with the proposed changes to Figures 21 and 23. A replacement sheet making the proposed changes to Figures 21 and 23 is enclosed. Approval of the drawing changes is respectfully requested.

Supplemental IDS

A prior art printout from assignee's website of one of its products was submitted with the application as filed but did not have a year date with its citation. A Supplemental IDS with a year date is enclosed. An appropriate fee under 37 CFR 17(p) consistent with 37 CFR 1.97(c) also is enclosed herewith.

II. ART REJECTION OF CLAIMS 30-31, 34, AND 39

These claims were rejected as being anticipated by US Patent No. 6,431,635 to Nicastri. This rejection is respectfully traversed.

Among other things, independent claim 30 calls for the clamp assembly 53 of Figures 13-14, 24, and 26 to be pivotally mounted to the header section 51 wherein the clamp assembly 53 is (a) releasably securable to the windshield 10 (Figures 13-14) and (b) releasably securable to the header section 51 itself in a fixed position relative to the header section 51. In this manner and when the clamp assembly 53 is not secured to the windshield (as in Figures 13-14), it can be secured in a "fixed position" to the header section 51 on which it is pivotally mounted (as in Figures 24 and 26). As compared to prior art approaches known to the Applicants, the advantage of their design is that the pivotally mounted clamp assembly will not be free to flap around either when it is secured to the windshield or alternatively to the header section.

Similarly, independent claim 34 calls for this ability of the pivotally mounted clamp assembly 53 to be either secured to the windshield when the base of the front bow is in its closed position (Figures 13 and 14) or to the header section 51 when the base of the front bow is in its open position (Figures 24 and 26). The advantage when secured to the header section in particular as disclosed at lines 23-28 of page 17 of the specification is that:

the clamp assembly 53 will not be loose to rattle or hang down into the area 16 of the driver and front passenger. This is both a safety feature and a way to

keep the clamp assembly 53 from making unwanted noise when the sunroof portion 81 is open.

Applicants respectfully submit that US Patent No. 6,431,635 to Nicastri neither teaches nor discloses a clamp that can be selectively secured to the windshield or to the header section in a fixed position relative to the header section. As disclosed by Nicastri in lines 5-8 of his column 2, his only teaching is to secure his catch to the windshield wherein he has:

a catch mechanism 24 for securing [his batten element 22] to the upper portion of the windscreen frame 26, which is not described further, or shown in detail in the drawings, since it is well known in the art.

Applicants find no teaching or suggestion to make Nicastri's catch 24 additionally securable to his header in a fixed position relative thereto.

Reconsideration and allowance of independent claims 30 and 34 and their dependent claims 31 and 39 are respectfully requested.

SUMMARY

It is respectfully submitted that all of the claims now present in the case (claims 1-48) are in condition for allowance and such action is respectfully requested. If, in the opinion of the Examiner, prosecution of this application could be expedited by a telephone interview, the Examiner is respectfully requested to contact the attorney for the applicants at the telephone number listed below.

A petition under Rule 1.136(a) accompanies this amendment.

Respectfully submitted,

DORR, CARSON & BIRNEY, PC

By: _____

W. Scott Carson

W. Scott Carson
Reg. No. 27,292
3010 East 6th Avenue
Denver, Colorado 80206
(303) 333-3010

